

REMARKS

Claims 1-6 and 8-14 are pending in this application. Claims 3-6, 11 and 12 have been withdrawn by the Examiner due to an Election of Species Requirement, but should be rejoined upon allowance of independent claim 1. By this Amendment, claims 1-6, 8, 10, 11 and 13 are amended. Independent claim 1 is amended for clarity and to even further distinguish over the applied references. Support for the amendment to claim 1 can be found, for example, on page 15, line 20 to page 16, line 4 of the specification. Claims 2-6, 8, 10, 11 and 13 are amended for clarity only. No new matter is added. Reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1, 2 and 14 under 35 U.S.C. §102(b) over Crowe, U.S. Patent No. 3,122,142. The rejection is respectfully traversed.

Crowe does not disclose or suggest an absorber having a laminated absorbent member comprised of laminated two or more super-absorbent sheets, each of the super-absorbent sheets containing a super-absorbent polymer capable of absorbing aqueous liquid, as recited in independent claim 1.

Crowe discloses an absorbent sheet having two sheets 24 and 25 that are made of flexible cellular sponge material (see col. 7, lines 33-35). The flexible cellular sponge material disclosed in Crowe is not a super-absorbant polymer. One skilled in the art would recognize that a super-absorbant polymer is typically a crosslinked sodium polyacrylate (see e.g., Buckholz and Peppas, Superabsorbent Polymers, ACS Symposium Series, 1994), and that a flexible cellular sponge material is not a crosslinked sodium polyacrylate. Therefore, independent claim 1 and dependent claims 2 and 14 are patentable over Crowe. Thus, it is respectfully requested that the rejection be withdrawn.

The Office Action rejects claims 1, 2, 8-10, 13 and 14 under 35 U.S.C. §102(b) over Lindsay et al. (Lindsay), WO 01/24750 A1. The rejection is respectfully traversed.

Lindsay does not disclose or suggest an absorber having a by-pass channel member that transports a portion of liquid disposed at an uppermost surface of a first super-absorbent sheet to another super-absorbent sheet so that a portion of the liquid transported by the by-pass channel member to the another super-absorbent sheet is not absorbed by the first super-absorbent sheet, and the first super-absorbent sheet is closer to a skin of a user than the another super-absorbent sheet when the absorber is worn by the user, as recited in independent claim 1.

Lindsay discloses an absorbent article having a topsheet 12 that is liquid permeable and is in close proximity to the skin of the user (see page 17, lines 28 and 29). Lindsay discloses that an upper absorbent layer 36 is disposed between the topsheet 12 and a lower absorbent layer 38 (see Fig. 1B). Further, an outer absorbent member 20 is disposed to each side of lower absorbent layer 38 (see Fig. 1B). Lindsay discloses that a wicking barrier 24 is disposed on a side of lower absorbent layer 38 that is farthest from the skin of the user (see Fig. 1B). The Office Action asserts that outer absorbent layer 20 and lower absorbent layer 38 correspond to the claimed first super-absorbent sheet, and that upper absorbent layer 36 corresponds to the claimed another super-absorbent sheet. However, as seen in Fig. 1B, outer absorbent member 20 and lower absorbent layer 38 are not closer to the skin (i.e., closer to topsheet 12) of the user than upper absorbent layer 36, which is immediately adjacent to topsheet 12.

Moreover, upper absorbent layer 36 cannot be considered to correspond to the claimed first super-absorbent layer because there is no wicking barrier that transports a portion of liquid disposed at an uppermost surface of an absorbent layer 36 to another absorbent layer so that a portion of the liquid transported by the wicking barrier to another absorbent layer is not

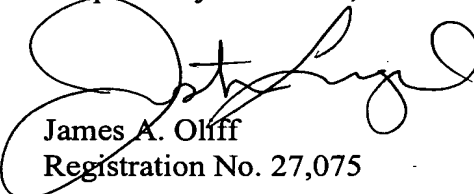
absorbed by absorbent layer 36. Instead, as seen from Fig. 1B, all of the liquid transmitted through topsheet 12 transfers directly into upper absorbent layer 36.

Therefore, Lindsay does not disclose or suggest an absorber having a by-pass channel member that transports a portion of liquid disposed at an uppermost surface of a first super-absorbent sheet to another super-absorbent sheet so that a portion of the liquid transported by the by-pass channel member to the another super-absorbent sheet is not absorbed by the first super-absorbent sheet, and the first super-absorbent sheet is closer to a skin of a user than the another super-absorbent sheet when the absorber is worn by the user, as recited in independent claim 1. Therefore, independent claim 1 and dependent claims 2, 8-10, 13 and 14 are patentable over Lindsay. Thus, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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